

State of South Dakota

SEVENTY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 1998

400B0240

SENATE BILL NO. 69

Introduced by: The Committee on Taxation at the request of the Department of Revenue

1 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the filing of
2 contractor's excise tax returns.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-46A-8 be amended to read as follows:

5 10-46A-8. The tax imposed shall be reported and paid ~~as in §§ 10-45-27 and 10-45-28~~
6 pursuant to sections 2 and 3 of this Act upon the receipts received under the contract during the
7 period.

8 Section 2. That chapter 10-46A be amended by adding thereto a NEW SECTION to read
9 as follows:

10 Any person who is the holder of a contractor's excise tax license or is a contractor whose
11 receipts are subject to contractor's excise tax in this state during the periods specified by this
12 section shall make a return and remittance to the Department of Revenue on forms prescribed
13 and furnished by the department in the following manner:

14 (1) Any person whose tax liability is one thousand dollars or more annually, shall file the
15 return and remit the tax on or before the twentieth day of the month following each
16 monthly period;

(2) Any person whose tax liability is less than one thousand dollars annually, shall file the return and remit the tax on or before the last day of the month following each two-month period;

(3) Any person whose tax liability is one thousand dollars or more annually and who remits the tax by electronic transfer to the state, shall file the return and remit the tax on or before the last day of the month following each monthly period.

The secretary of revenue may grant an extension of not more than five days for filing a return and remittance. Unless an extension is granted, the person with the tax liability shall pay the penalty or interest as provided by § 10-59-6 if a return or remittance is not made on time.

Section 3. That chapter 10-46A be amended by adding thereto a NEW SECTION to read as follows:

The secretary of revenue may require or allow a return and remittance to be filed on a monthly, bimonthly, semiannual, or annual basis. The return and remittance is due the last day of the month following the reporting period. For any person issued a temporary or seasonal contractor's excise tax license, the return and remittance may be required at a time determined by the secretary. Section 10-59-6 applies to any return and remittance under the provisions of this section.

Section 4. That § 10-46B-7 be amended to read as follows:

10-46B-7. The tax imposed shall be reported and paid ~~as in §§ 10-45-27 and 10-45-28~~ pursuant to sections 5 and 6 of this Act upon the receipts received under the contract during the period.

Section 5. That chapter 10-46B be amended by adding thereto a NEW SECTION to read as follows:

Any person who is the holder of a contractor's excise tax license or is a contractor whose receipts are subject to contractor's excise tax in this state during the periods specified by this

1 section shall make a return and remittance to the Department of Revenue on forms prescribed
2 and furnished by the department in the following manner:

3 (1) Any person whose tax liability is one thousand dollars or more annually, shall file the
4 return and remit the tax on or before the twentieth day of the month following each
5 monthly period;

6 (2) Any person whose tax liability is less than one thousand dollars annually, shall file the
7 return and remit the tax on or before the last day of the month following each two-
8 month period;

9 (3) Any person whose tax liability is one thousand dollars or more annually and who
10 remits the tax by electronic transfer to the state, shall file the return and remit the tax
11 on or before the last day of the month following each monthly period.

12 The secretary of revenue may grant an extension of not more than five days for filing a return
13 and remittance. Unless an extension is granted, the person with the tax liability shall pay the
14 penalty or interest as provided by § 10-59-6 if a return or remittance is not made on time.

15 Section 6. That chapter 10-46B be amended by adding thereto a NEW SECTION to
16 read as follows:

17 The secretary of revenue may require or allow a return and remittance to be filed on a
18 monthly, bimonthly, semiannual, or annual basis. The return and remittance is due the last day
19 of the month following the reporting period. For any person issued a temporary or seasonal
20 contractor's excise tax license, the return and remittance may be required at a time determined
21 by the secretary. Section 10-59-6 applies to any return and remittance under the provisions of
22 this section.